



# Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, MN 55155-4194 | 651-296-6300 | 800-675-3843 | 651-282-5332 TTY | [www.pca.state.mn.us](http://www.pca.state.mn.us)

EPA Region 5 Records Ctr.



370750

August 11, 2009

Mr. Stewart Shaft  
Prairie Avenue Leasing, Ltd.  
5720 East 115<sup>th</sup> Street  
Northfield, MN 55057

RE: Nutting Truck and Caster Site (MND006154017)  
85 - 205 Prairie Avenue and 1155 West Division Street  
Faribault/Rice County, Minnesota

Dear Mr. Shaft:

On July 23, 2009, the Minnesota Pollution Control Agency (MPCA) Commissioner approved the delisting of the Nutting Truck and Caster Site from the State's Permanent List of Priorities, or State Superfund List. Enclosed is a copy of that approval.

MPCA staff have also determined that with the signed environmental covenant in place for the property and completion of all appropriate response actions, provisions set forth in the September 27, 1987 Consent Order (CO) have been completed. Therefore, the September 27, 1987 CO is considered terminated. You must continue to comply with terms and conditions set forth in the Environmental Covenant and Easement for the property as executed on October 24, 2008.

If you have any questions, please contact Gary Krueger of my staff at 651-757-2509.

Sincerely,

A handwritten signature in cursive script, reading "Kathryn Sather".

Kathryn Sather  
Division Director  
Remediation Division

KS:csa

cc: Sheila Sullivan, U.S. Environmental Protection Agency, Region V, SR-6J (w/enclosure)  
Janet Dalglish, University of Minnesota

## Office Memorandum

DATE: July 23, 2009

TO: Kathy Sather *Kathy Sather*  
Division Director  
Remediation DivisionFROM: Paul Eger *Paul Eger*  
Commissioner

PHONE: 651-757-2016

SUBJECT: Approval of the July 2009 Update of the Minnesota Environmental Response and Liability Act - State Superfund Priority List

Pursuant to the Minnesota Environment Response and Liability Act, Minn. Stat. § 115B.17 (2008), and Minn. R. ch. 7044 (2006), the Minnesota Pollution Control Agency (MPCA) proposed an update of the State Superfund Priority List, also known as the Permanent List of Priorities. The State Register Notice for this modification of the State Superfund List was published on June 1, 2009 (see Attachment 1).

In the June 1, 2009, State Register Notice, MPCA staff proposed the deletion of the Nutting Truck and Caster Site in Faribault, Rice County; and the deletion of the Boise Cascade Paint Waste Dump Site in Koochiching County. Staff memoranda describing rationale for these deletions are shown in Attachment 2.

No public comments were received concerning the proposed deletions.

Minn. Stat. § 116.03, subd. 1(c) (2008) authorizes the Commissioner of the MPCA to make decisions on behalf of the MPCA concerning the addition and/or deletion of Sites to/from the State Superfund List. Therefore, on behalf of the MPCA, I hereby delete the Nutting Truck and Caster Site and the Boise Paint Waste Dump Site, as shown in Attachment 2, from the State Superfund Priority List.

PE:csa

## Attachments

cc: Michael Kanner, Superfund Section  
Jeff Lewis, Petroleum and Closed Landfill Section  
Doug Wetzstein, Superfund Section  
Doug Beckwith, Superfund Section  
Barbara Jackson, Superfund Section  
Hans Neve, Superfund Section  
Steve Lee, Emergency Response Section  
Wayne Sarappo, Superfund Section  
Gary Krueger, Superfund Section  
Robert Anderson, Minnesota Department of Agriculture  
Alan Williams, Attorney General's Office

## Office Memorandum

DATE: July 21, 2009

TO: Paul Eger  
CommissionerFROM: Kathy Sather *Kathy Sather*  
Division Director  
Remediation Division

PHONE: 651-757-2691

SUBJECT: Request to Approve the July 2009 Update of the Minnesota Environmental Response and Liability Act - State Superfund Priority List

The Minnesota Environmental Response and Liability Act, Minn. Stat. § 115B.17, subd. 13 (2008), and Minn. R. ch. 7044 (2006) require the Minnesota Pollution Control Agency (MPCA) to establish a State Superfund Priority List among releases or threatened releases of hazardous substances, pollutants, or contaminants, and to update this priority list as needed. This State Superfund Priority List is also known as the Permanent List of Priorities. The current State Superfund List was last modified in August 2007. On June 1, 2009 MPCA staff proposed an update to the current State Superfund List (see Attachment 1).

MPCA staff proposed the deletion of the Nutting Truck and Caster Site in Faribault, Rice County; and the deletion of the Boise Cascade Paint Waste Dump Site in Koochiching County. Staff memoranda describing rationale for these deletions are shown in Attachment 2.

Notice of these proposed deletions from the State Superfund List was published in the State Register for the purpose of soliciting public comments (Attachment 1). Copies of these public notices were also sent to parties interested in or affected by the proposed updates.

The MPCA did not receive any comments pertaining to these proposed deletions from the State Superfund List for any of the sites.

Minn. Stat. § 116.03, subd. 1(c) (2008) authorizes the Commissioner of the MPCA to approve any additions to and/or deletions from the State Superfund List. Minn. Stat. § 116.02, subd. 9 (2008) also requires the Commissioner to inform interested persons in public notices of their right to request the MPCA Board make the final decision on these proposed changes to the State Superfund List. There were no requests submitted pertaining to the proposed deletions from the State Superfund List.

As described further in the attached public notice, this proposed update of the State Superfund List is appropriate under the applicable statutes and rules. MPCA staff, therefore, requests approval of the deletion of the Nutting Truck and Caster Site and Boise Cascade Paint Waste

Page 2

Dump Site from the State Superfund Priority List which are outlined in staff memoranda as shown in Attachment 2.

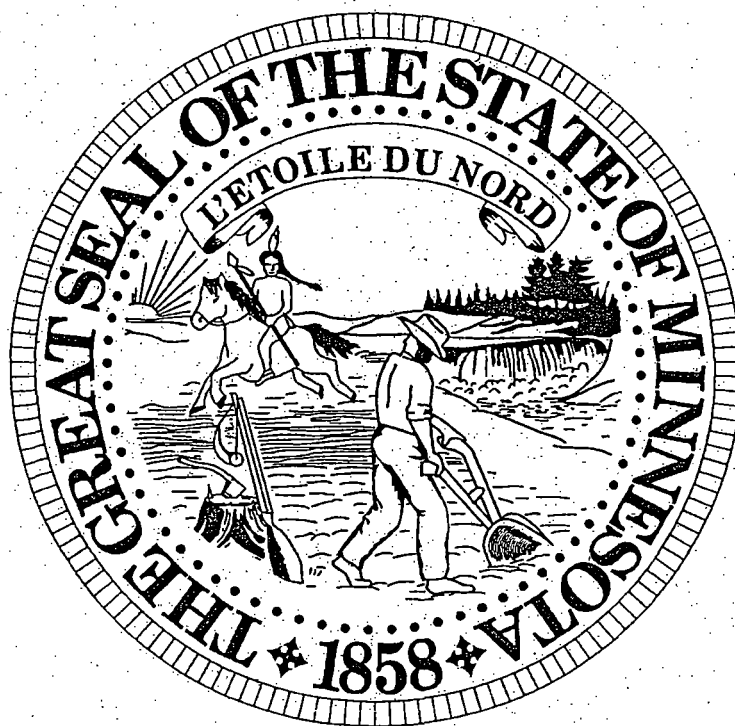
KS:csa

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cc: Michael Kanner, Superfund Section  
Jeff Lewis, Petroleum and Closed Landfill Section  
Doug Wetzstein, Superfund Section  
Doug Beckwith, Superfund Section  
Barbara Jackson, Superfund Section  
Hans Neve, Superfund Section  
Steve Lee, Emergency Response Section  
Wayne Sarappo, Superfund Section  
Gary Krueger, Superfund Section  
Robert Anderson, Minnesota Department of Agriculture  
Alan Williams, Attorney General's Office

State of Minnesota

# State Register



Proposed, Adopted, & Expedited Rules; Executive Orders; Appointments;  
Commissioners' Orders; Revenue Notices; Official Notices;  
State Grants & Loans; State Contracts; Non-State Public Bids, Contracts & Grants  
Published every Monday (Tuesday when Monday is a holiday)

Monday 1 June 2009  
Volume 33, Number 48  
Pages 1943 - 1992

# State Register

## Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

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Vol. 33 Issue Number	PUBLISH DATE ( <b>BOLDFACE</b> shows altered publish date)	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Proposed, Adopted and Exempt RULES
# 48	Monday 1 June	Noon Tuesday 26 May	Noon Wednesday 20 May
# 49	Monday 8 June	Noon Tuesday 2 June	Noon Wednesday 27 May
# 50	Monday 15 June	Noon Tuesday 9 June	Noon Wednesday 3 June
# 51	Monday 22 June	Noon Tuesday 16 June	Noon Wednesday 10 June

**PUBLISHING NOTICES:** We need to receive your submission **ELECTRONICALLY**. Submit **ONE COPY** of your notice via e-mail to: [robin.panlener@state.mn.us](mailto:robin.panlener@state.mn.us). State agency submissions must include a "State Register Printing Order" form, and, with contracts, a "Certification/Internal Contract Negotiation" form. Non-State Agencies should submit **ONE COPY**, with a letter on your letterhead stationery requesting publication and date to be published. [FAX to: (651) 297-8260. You **MUST** follow FAX by e-mailing notice and other forms or letters.

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State Capitol, Room 231, St. Paul, MN 55155  
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State Office Building, Room 175,  
100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155  
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#### Labor and Industry Department (DLI)

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## Official Notices

- Journeyman High Pressure Pipefitter Qualifications, including whether the applicant should be required to have a certain number of hours of relevant experience (5230.0080)

**Persons Affected.** Persons affected by the rule amendments may include high pressure pipefitters, high pressure pipefitting businesses, unlicensed individuals who wish to assist in the practical contraction and installation of high pressure piping and appurtenances while in the employ of a licensed high pressure piping business, engineers, and owners, managers and users of high pressure piping systems.

**Statutory Authority.** The authority to adopt the rules is *Minnesota Statutes*, section 326B.925, subdivision 2, clause (a)(5), which gives the Board the power to adopt rules that regulate the licensure or registration of high pressure piping contractors, journeymen, and other persons engaged in the design, installation, and alteration of high pressure piping systems, except for those individuals licensed under *Minnesota Statutes* section 326.02, subdivisions 2 and 3. This does not include the authority to adopt rules regulating continuing education.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rule amendments in writing until further notice is published in the *State Register* that the Board intends to adopt or to withdraw the rules. The Board hopes to publish proposed rule amendments by the end of 2009. The Board does not contemplate appointing an advisory committee to comment on the possible rule amendments.

**Rules Drafts.** The Board has not yet prepared a draft of the possible rule amendments. When a draft of the possible rule amendments becomes available to the public, the draft and other information about the rulemaking will be posted on the Department of Labor and Industry's rulemaking docket at: <http://www.dli.mn.gov/RulemakingCCL.asp>.

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rule amendments when it has been prepared, and requests for more information on these possible rule amendments should be directed to: Annette Trnka at the Minnesota Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155; phone: (651) 284-5860; fax: (651) 284-5749; and e-mail: [annette.trnka@state.mn.us](mailto:annette.trnka@state.mn.us). TTY users may call the Department at (651) 297-4198.

**Alternative Format.** Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: 15 May 2009

Larry Stevens, Jr., Chair  
Minnesota Board of High Pressure Piping Systems

## Minnesota Pollution Control Agency (MPCA)

### Remediation Division

#### Notice of Proposed Update of the State Superfund Priority List (Superfund List) (also known as the Permanent List of Priorities (PLP)) Among Releases or Threatened Releases of Hazardous Substances or Pollutants or Contaminants

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (MPCA) is publishing for public comment proposed deletions from the State Superfund List which lists releases or threatened releases of hazardous substances, pollutants, or contaminants for which the MPCA may take removal or remedial actions under the Minnesota Environmental Response and Liability Act (MERLA), *Minnesota Statutes* §§ 115B.01-115B.20.



## Official Notices

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Pursuant to *Minnesota Statutes* § 115B.17 (2008) and Minn. R. 7044.0950 (2006), the MPCA is proposing the following changes to the Superfund List.

The MPCA is proposing to delete the following two sites from the Superfund List: Nutting Truck and Caster Site, Faribault, Rice County; and Boise Cascade Paint Waste Dump, Koochiching County.

The MPCA has determined that either all MERLA Response Actions have been completed at these sites; or that the sites do not pose a threat to public health or welfare or the environment. If necessary, appropriate institutional controls as determined by the MPCA will be in place prior to final deletion from the PLP. In both cases, all appropriate MERLA response actions have been completed and long term monitoring indicates that each site does not pose a threat to public health or welfare or the environment.

For the Nutting Site, contaminated soils from an on-site disposal pit were excavated and disposed off-site. The disposal pit was filled with clean soil and covered by a concrete parking surface. Groundwater extraction wells were installed and operated for more than 15 years to control and remove contaminated groundwater. Long term monitoring since extraction wells were shut down have shown that groundwater contamination has decreased to non-detection at compliance monitoring points. All monitoring and extraction wells have been properly abandoned at the Site, per MPCA approval. An Environmental Covenant and Easement was finalized in 2009 which requires no changes in land use unless the MPCA is notified and annual reporting to the MPCA to ensure compliance with land use restrictions.

For the Boise Cascade Site, waste material and contaminated soil was excavated and disposed off-site, with some less contaminated soil treated on-site. A soil cap was placed over the excavated and treated soil area. Long term ground and surface water monitored was conducted following excavation and treatment activities. Monitoring was conducted for more than 20 years. To meet required site closure elements, a closure site investigation was conducted in 2007 to evaluate the site conditions. Based on the results of this closure site investigation and results from the long-term monitoring activities, MPCA staff determined that no further investigations or response actions were necessary at the Site.

The MPCA is not proposing to add any sites to the Superfund List at this time.

The MPCA invite members of the public to submit written comments on the proposed deletions from the State Superfund List. All written comments with regard to these proposed changes to the Superfund List must be received no later than 4:30 p.m. on June 30, 2009.

Written comments regarding these proposed MPCA deletions from the Superfund List should be submitted to:

Gary L. Krueger, Superfund Program,  
Remediation Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194.

Any interested person may submit a petition to the Commissioner of the MPCA requesting that the MPCA Citizens' Board make the decision on whether to adopt these changes to the Superfund List that have been proposed by the MPCA. To be considered timely, the petition must be received by the MPCA contact person, Gary L. Krueger, by 4:30 p.m. on June 30, 2009.

The decision whether to adopt these proposed changes to the Superfund List will be made by the MPCA Citizens' Board if: (1) the MPCA Commissioner grants the petition requesting the matter to be presented to the MPCA Citizens' Board; or (2) a MPCA Citizens' Board member requests to hear the matter prior to the time the MPCA Commissioner makes a final decision on the proposed changes to the Superfund List.

All written comments received by the above deadline will be considered by the MPCA in establishing the updated State Superfund List.

Paul Eger, Commissioner  
Minnesota Pollution Control Agency



# Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, MN 55155-4194 | 651-296-6300 | 800-657-3864 | 651-282-5332 TTY | [www.pca.state.mn.us](http://www.pca.state.mn.us)

June 1, 2009

RE: Public Comment Period for Permanent List of Priorities

To Whom It May Concern:

Pursuant to the Minnesota Environment Response and Liability Act, Minn. Stat. § 115B.17 (2008), and Minn. R. ch. 7044 (2006), the Minnesota Pollution Control Agency (MPCA) is publishing for public comment the proposed update of the State Superfund Priority List of releases or threatened releases of hazardous substances, pollutants, or contaminants. Prior to updating the Superfund List, the MPCA must solicit public comment on the proposed update for thirty (30) days. The public comment period ends on June 30, 2009.

According to MPCA records, you may have an interest in one or more of the sites proposed for deletion from the Superfund List. Therefore, please find enclosed a copy of the June 1, 2009, *State Register* notice on this matter. If you have any comments, please submit them as directed in the enclosed Public Notice. Should you know of additional interested parties concerning this update, please advise them of the Public Notice and public comment period.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathryn J. Sather".

Kathryn J. Sather  
Division Director  
Remediation Division

KJS:csa

Enclosure

Minnesota Pollution Control Agency  
Remediation Division

**Notice of Proposed Update** of the State Superfund Priority List (Superfund List) (also known as the Permanent List of Priorities (PLP)) Among Releases or Threatened Releases of Hazardous Substances or Pollutants or Contaminants.

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is publishing for public comment proposed deletions from the State Superfund List which lists releases or threatened releases of hazardous substances, pollutants, or contaminants for which the MPCA may take removal or remedial actions under the Minnesota Environmental Response and Liability Act (MERLA), Minn. Stat. §§ 115B01-115B.20.

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The MPCA invite members of the public to submit written comments on the proposed deletions from the State Superfund List. All written comments with regard to these proposed changes to the Superfund List must be received no later than 4:30 p.m. on June 30, 2009.

Written comments regarding these proposed MPCA deletions from the Superfund List should be submitted to: Gary L. Krueger, Superfund Program, Remediation Division, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194.

Any interested person may submit a petition to the Commissioner of the MPCA requesting that the MPCA Citizens' Board make the decision on whether to adopt these changes to the Superfund List that have been proposed by the MPCA. To be considered timely, the petition must be received by the MPCA contact person, Gary L. Krueger, by 4:30 p.m. on June 30, 2009.

The decision whether to adopt these proposed changes to the Superfund List will be made by the MPCA Citizens' Board if: (1) the MPCA Commissioner grants the petition requesting the matter to be presented to the MPCA Citizens' Board; or (2) a MPCA Citizens' Board member requests to hear the matter prior to the time the MPCA Commissioner makes a final decision on the proposed changes to the Superfund List.

All written comments received by the above deadline will be considered by the MPCA in establishing the updated State Superfund List.


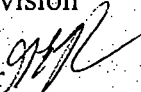
Paul Eger, Commissioner  
Minnesota Pollution Control Agency

DEPARTMENT: POLLUTION CONTROL AGENCY

SF-00006-05

STATE OF MINNESOTA  
Office Memorandum

DATE: May 19, 2009

TO: Douglas Wetzstein   
Supervisor  
Superfund, RCRA, & Voluntary Cleanup  
Section  
Remediation DivisionFROM: Gary L. Krueger   
Planner Principal  
Superfund, RCRA, & Voluntary Cleanup  
Section  
Remediation Division

PHONE: 651-757-2509

SUBJECT: Delisting on the Nutting Truck and Caster Superfund Site, SR30

The Minnesota Pollution Control Agency (MPCA) Superfund staff requests that the Nutting Truck and Caster Superfund site (Site) be delisted from the Permanent List or Priorities (PLP).

The Minnesota Pollution Control Agency (MPCA) recently completed a fourth Five-Year Review of the Remedial Action (RA) implemented at the Nutting Truck and Caster Site in Faribault, Minnesota. The purpose of the review was to evaluate the effectiveness and performance of the RA in order to determine if the RA is protective of human health and the environment. Both the MPCA and U.S. Environmental Protection Agency determined that the implemented remedy is protective of public health, and have recommended the Site be not only delisted from the PLP, but also the National Priorities List (NPL).

Nutting manufactured and distributed casters, wheels, hand trucks, and towline trucks at its Faribault plant. In 1984, the manufacturing operation relocated to Watertown South Dakota. Original documentation indicated that the Site consisted of an 11-acre area; however, the property owner has indicated that the actual property was 8.6 acres. The current Site property is now known as Prairie Avenue Leasing and is used for warehouse rental space. From 1959 to 1979, the company used a seepage pit in the west central area of the Site to deposit waste and sludges including waste solvents. Trichloroethylene (TCE) is the major contaminant of concern identified in the groundwater at the Nutting Truck and Caster Site.

The Site was divided into two operable units, which are described as follows:

#### Operable Unit 1 - Soil

The first Operable Unit (OU1) was addressed in 1980 when the contaminated soils and sludge from the onsite seepage pit at the west central area of the property were excavated and replaced with clean fill. This action was performed by the Responsible Party (RP) in response to a Notice of Noncompliance issued by the state. The area was then paved with concrete and is currently used as a loading dock/parking area. The removal of soil and subsequently installed concrete cap eliminated the potential for: 1) precipitation to facilitate the migration of contaminants through the soil; and 2) access to the former seepage pit area by potential receptors. The contamination found in the soils associated with the seepage pit was replaced with soil meeting residential clean-up levels; hence, this portion of the remedy provides long-term protection from contaminants leaching to the aquifer and from human health exposure to any residual TCE that may be in the source area. The remedy selected for OU1 is protective of human health and the environment.

#### Operable Unit 2 - Groundwater

The groundwater OU2 was addressed by the RP in 1987 under a Consent Order and response Action Plan (RAP) with the MPCA. The RP installed a groundwater extraction and treatment system to contain the groundwater contaminant plume and to meet contaminant clean-up goals at the Nutting groundwater compliance wells. The compliance wells are located about 900 feet downgradient of the Nutting Site property boundary. The remedy for groundwater currently protects human health and the environment because the groundwater extraction and treatment system has resulted in a significant decline in contaminant concentrations. Since the 2003 Five-Year Review, only TCE remains in the groundwater. The RAP was amended in 2003 to reflect revised TCE clean-up goals which are consistent with the state Health Risk Limit for TCE. The concentrations have declined such that the groundwater has achieved clean-up goals at the compliance point, allowing the groundwater extraction and treatment system to be turned off. There are no private wells used for potable water in the area between the Site property and the compliance wells; and all commercial and residential properties use the Faribault municipal supply.

#### Site-wide

The construction was completed for OU1 and OU2 as of September 2003 when the Final Closeout Report was approved by the MPCA. The Site was protective of human health and the environment in the short-term. In order for the remedy to be considered protective in the long-term, the implementation of ICs was required at the Site because the TCE levels in onsite groundwater exceed the amended clean-up goals.

An Environmental Covenant and Easement has been prepared and executed for the Site. The MPCA requires this IC for delisting the site from the state Permanent List of Priorities (PLP). All monitoring and extraction wells have been properly abandoned as a condition of the Environmental Covenant.

No wells are permitted to be installed on the property without approval of the MPCA. The property owner will be required to report to the MPCA on an annual basis that conditions at the Site remain consistent with land use prescribed in zoning requirements. Any proposed changes in land use require notification to the MPCA to determine if proposed changes in land use will not affect the protectiveness of the completed remedy.

Therefore, MPCA staff recommends that the Site be delisted from the PLP as all appropriate response actions have been completed and that the Site no longer poses a threat to public health or to the environment.

GK:csa